

REMARKS

The foregoing amendments and these remarks are being submitted in response to the Examiner's Action dated October 4, 1994. The Action first indicates, and Applicant acknowledges, that formal drawings will be required when the present application is allowed. Secondly, the Action objects to the Abstract of the Disclosure. Applicant has, by way of the foregoing amendments, provided a "substitute" Abstract of the Disclosure which is thought to overcome the objection.

The Action, on pages two through four, next rejects claims 1-20, 22, 26-39, 44, 54-62, 70-76, and 78-88 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Applicant's U.S. Patents Number 5,197,314 and 4,900,182, and other references. Applicant respectfully traverses those obviousness-type double patenting rejections. Nonetheless, Applicant has timely filed a terminal disclaimer herewith, in compliance with 37 CFR §§ 1.321(b). Applicant submits that the terminal disclaimer overcomes all of the obviousness-type double patenting rejections, whereby claims 1-20, 22, 26-39, 44, 54-62, 70-76, and 78-88 are allowable.

The Action next rejects claims 1, 3, 4, 6-8, 70-72, 75, 76, and 78 under 35 U.S.C. § 102(b) as being anticipated by Baynes '930 (referred to hereafter simply as Baynes). Applicant respectfully traverses the rejection of claims 1, 3, 4, 6-8, 70-72, 75, 76, and 78. Applicant submits that independent claim 1 is allowable because it specifies

... a post member defining,
an elongated axis,
an elongated, axially extending latching surface defined by at least one
outer radius from said elongated axis, and
an elongated, axially extending releasing surface defined by at least one
inner radius from said elongated axis, wherein said outer radius is
greater than said inner radius

Baynes does not teach or suggest such a limitation. More specifically, it is not possible for a radius defined by the latching surfaces of the Baynes post to be greater than a radius defined by the releasing surfaces of the Baynes post. Thus, it is not possible for claim 1 of the present patent

application to be anticipated by Baynes. Additionally, Applicant submits that the limitation of claim 1 that is quoted above is non-obvious and relates to important functional considerations. Thus, Applicant submits that claim 1 is allowable. Further, Applicant submits that claims 3, 4, and 6-8 are not anticipated by Baynes and are allowable either because they are dependent on claim 1 or because they include additional novel and non-obvious limitations.

Applicant submits that independent claim 70 is allowable because claim 70 specifies

a latch element movably connected to said latch frame to be movable between an outward position and an inward position nearer said central axis to, while occupying said inward position, allow removal of said post member during a first angular orientation of said post member and, while also occupying said inward position, restrict removal of said post member during a second angular orientation of said post member.

Baynes does not teach or suggest such a limitation. Baynes functions to restrict removal of the post by protruding a latch element into in an “inward” position and release the post when the latch element is in an “outward” position. Due to the construction and arrangement of the device disclosed in Baynes, it is impossible to remove the post from the housing frame when the latch element is in said “inward” position, as the latch elements of Baynes must be in an “outward” position when the post is withdrawn from the housing frame. In contrast, claim 70 specifies that the latch element “while occupying said inward position, allow[s] removal of said post member”. Additionally, Applicant submits that the limitation of claim 70 that is quoted above is non-obvious and relates to important functional considerations. Thus, Applicant submits that claim 70 is allowable. Further, Applicant submits that claims 71, 72, 75, 76, and 78 are not anticipated by Baynes and are allowable either because they are dependent on claim 70 or because they include additional novel and non-obvious limitations.

The Action next rejects claims 46 and 48. While Applicant respectfully traverses the rejection of claims 46 and 48, Applicant has nonetheless chosen to cancel claims 46 and 48. Further, Applicant reserves the right to pursue claims 46 and 48, and claims similar thereto, at a later date.

The Action next indicates that "Claims 21, 22-25, 40-43, 45, 47, 49-53 and 77 are being objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Accordingly, by way of the forgoing amendments, claims 47, and 49-53 have been "rewritten in independent form including all of the limitations of the base claim and any intervening claims." More particularly, claims 47, 49, 50 and 53 have been rewritten in independent form (including all of their limitations and the limitations of claim 46) as claims 89-92, respectfully, and claims 51 and 52 have been amended to be dependent upon new claim 91. Regarding the remainder of the objected to claims 21, 23-25, 40-43, 45, and 77, Applicant has, by way of the foregoing remarks, submitted that the each of the base claims 10, 28, and 70 associated with objected to claims 21, 23-25, 40-43, 45, and 77 is allowable, whereby Applicant submits that claims 21, 22-25, 40-43, 45, and 77 are also allowable as presently written.

The foregoing remarks are believed to address sufficient grounds for allowability of all of the currently pending claims 1-45, 51, 52, and 54-92. They are not, however, to be construed as, nor are they admitted to be, the only grounds for allowability.

Lastly, and in an effort to (i) assist in the prosecution of the present application, and (ii) assist the Examiner in handling the references identified in the June 7, 1994, Information Disclosure Statement filed for this application, Applicant points out and provides herewith copies of the following references:

4,796,930
4,893,810
4,974,888
4,993,247
1,967,627

Applicant points out these references because it is believed that they might be some of the closest art of record, and Applicant does not want to be accused of "hiding" these references among the other cited references. However, Applicant does not admit that these references are material to the presently pending claims. Further, Applicant stresses that the Examiner should determine which references are most relevant and should not in any way assume that Applicant has identified the most relevant references. Applicant has pointed out the above references in good faith, and

this action should not in any way be considered as an attempt to distract the Examiner's attention away from other references.

Favorable consideration and allowance of all of the currently pending claims 1-45, 51, 52, and 54-92 is hereby courteously requested.

Respectfully submitted,



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